

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ERMA M. JACOBS,)	
)	
Plaintiff,)	
)	
v.)	NO. 3:10-0418
)	Judge Campbell/Bryant
CAREMARK, PhC, L.L.C.,)	
)	
Defendant.)	

TO: The Honorable Todd J. Campbell

REPORT AND RECOMMENDATION

On July 14, 2010, the Court granted plaintiff's counsel's motion for leave to withdraw from representation of the plaintiff (Docket Entry No. 13). By this same order, the Court granted plaintiff thirty (30) days to find new counsel or to notify the Court that she intends to proceed pro se.

Since the entry of this order in July 2010, it appears that multiple mailings by the Clerk to plaintiff at her address of record have been returned by the post office (Docket Entry Nos. 20, 21, 22, 23, 26, 27, 28, and 29).

On August 31, 2010, the undersigned Magistrate Judge entered an order requiring plaintiff to show cause on or before Friday, September 17, 2010, why this case should not be dismissed for plaintiff's failure to prosecute. This order further admonished plaintiff that her failure to respond may cause the undersigned Magistrate Judge to recommend that her complaint be dismissed (Docket Entry No. 24). Plaintiff has failed to respond to this order, and multiple attempts by the Clerk to mail this

order to plaintiff have been returned undelivered (Docket Entry Nos. 26, 27, 28, and 29).

From this record, it appears that plaintiff has failed to prosecute this case and has also failed to keep the Clerk apprised of a current mailing address. For this reason, the undersigned Magistrate Judge finds that this case should be dismissed due to the plaintiff's failure to prosecute.

RECOMMENDATION

For the reasons stated above, the Magistrate Judge **RECOMMENDS** that the complaint be **DISMISSED** for failure to prosecute.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days from service of this Report and Recommendation in which to file any written objections to this Recommendation, with the District Court. Any party opposing said objections shall have fourteen (14) days from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within fourteen (14) days of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986).

ENTERED this 27th day of September 2010.

s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge